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Id

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/414,643	10/08/99	PILETZ	J 147/37315CP

HM12/0321

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EXAMINER

LAZAR WESLEY, E

ART UNIT	PAPER NUMBER
1646	6

DATE MAILED:

03/21/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**



**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**

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05/4/4643

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EXAMINER
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ART UNIT	PAPER NUMBER
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DATE MAILED:

Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents

1. This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 CFR 1.821 through 1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures, and further explained herein:

In particular, the application has 2 different paper copies of the sequence listing; in the "first" version, SEQ ID No:1 has 3389 base pairs (and 664 amino acids, at page 62), while in the "second version", SEQ ID No:1 has 3385 base pairs (and 662 amino acids, at page 5 of the second sequence listing). It is noted that the specification recites that SEQ ID No:1 has 3389 base pairs, page 29, last line. While applicants requested, on paper #4 filed October 08, 1999, that the "compliant computer readable form of the Corrected Sequence Listing submitted on May 1999 in pending prior application Serial No.08/922,635 be used" and that "the paper

copy of the Corrected Sequence Listing ... is identical to the compliant computer readable form submitted for co-pending prior application Serial No.08/650,766 ", there is no statement that the content of the CRF and paper copy include no new matter. Furthermore, Applicants did not request that the "first" version should be canceled and replaced with the "second" version..

Applicants is also requested to amend the specification so that the SEQ ID and characteristics of the SEQ ID (nucleotides or amino acid lengths) are consistent between the CRF, the paper copy, and the specification, including the claims if applicable. No new matter should be added. It is noted that the lengths of the sequences in the "second" sequence listing do not match the lengths for the corresponding SEQ ID disclosed in the specification, for example SEQ ID No:1 has 3385 nucleotides in the sequence listing, and 3389 nucleotides in the specification, page 29, last line. Applicant is requested to check that all sequence information is consistent between the specificati0n, the CRF, and the paper copy of the sequence listing.

Applicant is given ONE MONTH, or THIRTY DAYS, whichever is longer, from the date of this letter within which to comply with the sequence rules, 37 CFR 1.821 - 1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 CFR 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). In no case may an applicant extend the period for response beyond the SIX MONTH statutory period. Direct the response to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the response.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eliane Lazar-Wesley, PhD, whose telephone number is (703) 305 4059. The examiner can normally be reached on Monday-Friday from 8:30am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yvonne Eyler, can be reached on (703) 308-6564.

Official papers filed by fax should be directed to (703) 308 4242. Faxed draft or informal communications with the examiner should be directed to (703) 308-0294.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0196.

ELW

March 20, 2001

*ELW*

*Elizabeth C. Kemmerer*

ELIZABETH KEMMERER  
PRIMARY EXAMINER

## NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821 - 1.825 for the following reason(s):

- ☐ 1. This application clearly fails to comply with the requirements of 37 CFR 1.821 - 1.825. Applicant's attention is directed to these regulations, published at 1114 OG 29, May 15, 1990 and at 55 FR 18230, May 1, 1990.
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 CFR 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 CFR 1.822 and/or 1.823, as indicated on the attached copy of the marked-up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CFR 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 CFR 1.821(e).
- ☒ 7. The application contains 2 different sequence listings  
Other: (In particular, Seq ID No. 1 is different in the 2 paper copies)

## Applicant must provide:

- ☐ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing"
- ☐ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification
- ☐ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 CFR 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d)

For questions regarding compliance with these requirements, please contact:

For Rules Interpretation, call (703) 308-1123  
For CRF submission help, call (703) 308-4212  
For PatentIn software help, call (703) 557-0400

→ see PTO 90 for details

Please return a copy of this notice with your response.